



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/042,686	03/14/2000	David J. Luneau	1090-006	1741

26161 7590 08/12/2003

FISH & RICHARDSON PC
225 FRANKLIN ST
BOSTON, MA 02110

EXAMINER

NGUYEN, LEE

ART UNIT PAPER NUMBER

2682

DATE MAILED: 08/12/2003

12

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

10/042,686

Applicant(s)

LUNEAU, DAVID J.

Examiner

LEE NGUYEN

Art Unit

2682

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: SEE ATTACHMENT.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: NONE.Claim(s) objected to: NONE.Claim(s) rejected: 18-63.

Claim(s) withdrawn from consideration: _____.

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

LEE NGUYEN
Primary Examiner
Art Unit: 2682

ADVISORY ACTION

1. Applicant's arguments filed 8/1/2003 have been fully considered but they are not persuasive.

In the remarks, Applicant contends that with regard to independent claims 18 and 42, these claims recite that the same audio transducer is used for both the voice signals and the identity information. In contrast, there is no disclosure in Lim of using the same audio transducer for both purposes. To the contrary, Applicant submits that Lim not only uses separate audio transducers for voice and for announcement of caller identification, but in fact teaches away from Applicant's approach of using a single audio transducer for both purposes.

In response, the examiner respectfully disagrees. Reading the claim language in light of the specification, on pages 14-15, the present application's specification states the following:

FIG. 3 illustrates the NEW CALL state process. The process begins at 230 where the ICLID signal is collected by FSK detector 28 and the data sent to microcontroller 26 for storage in the call log of database 54.

Process 232 searches database 54 for a match to the collected ICLID number. Database 54 contains audio information keyed with an ICLID

number or a group of ICLID numbers. If the ICLID data is not provided by the telephone company or the ICLID number is blocked by the calling party, microcontroller 26 identifies the calls as "number unknown" or "number blocked" respectively. Process 232 branches based on the status of the search through database 54. If the search returned a zero value, execution branches to process 234, where the area-code from the ICLID number is cross-referenced with the name of a state and at process 238 microcontroller 26 directs announcement circuit 30 to speak the name of the state and the ICLID number, typically the caller's telephone number. If the database 54 search was successful, execution branches to process 236 and microcontroller 26 directs announcement circuit 30 to speak the audio returned from the search.

From the above disclosure, the announcement circuit 30 speaks the name of the state and the ICLID number, typically the caller's telephone number directed by the controller 26 retrieved from the database 54.

Referring to col. 2, lines 33-51, Lim discloses:

When a caller's number/name is received, converter 6 will send the data signal to the microprocessor 8 via input lead 12. Microprocessor 8 can examine the, and data signal if a name is included, then the name will

be simply spelled or spoken by the speech synthesizer or voice recording/reproducer 13. If only a number is received, microprocessor 8 will compare the received number with all the numbers stored in the data RAM 10. If there is a number which is the same as the received number, the microprocessor 8 will access the name associated with the number and instruct the speech synthesizer or voice reproducer to spell or speak the name and show the name in the display 9. Microprocessor 8 can further proceed only if there is a same name stored in the memory; and/or there are extra special codes appended with the name or number, the speech synthesizer or voice reproducer and/or alarm 16 and/or control output will be activated when the name is stored in memory.

From this teaching of Lim, one can see that the announcement circuit 16 speaks the name of the corresponding ICLID number, typically the caller's telephone number directed by the controller 8 retrieved from the database 10.

As a result, one having skilled in the art will recognize that the audio transducer 16 of Lim uses both for voice signals and the identity information, and there is no different between the claimed audio transducer and Lim's speech synthesizer.

With regard to independent claims 52, 57, and 62, Applicant further argues that these claims recite the feature of storing "audio information associated with the caller identification data" (claim 52), "audio identity information associated with the caller identification data" (claim 57), and "audio information associated with the non-voice alphanumeric information" (claim 62). Applicant submits that Lim, on the other hand, contemplates only the storage of digital text information, not audio information, and thus does not anticipate any of these claims.

Applicant acknowledges that Lim discloses storage of certain information in RAM 10. (2:40.) It is also true that Lim mentions a "speech synthesizer or voice recording/reproducer 13."

(2:37-38.) Lim does not provide sufficient information to determine what item 13 is, stating only that they "are all commercially available ICs." (2:57-58.)

Applicant submits that Lim only contemplates the storage of digital text information, not audio information, and that the digital text information is then used by item 13 to produce an audio announcement. Lim expressly states that "[a] list of numbers and names, along with special codes appended to the numbers and names, can be typed and stored into

memory (data RAM 10) using the keyboard 7." (4:4-7.) Cleary Lim is discussing in this passage the storage of digital text information in RAM 10. Lim also states that "[i]f there is a number which is the same as the received number, the microprocessor 8 will access the name associated with the number and instruct the speak synthesizer or voice reproducer to spell or speak the name and show the name in the display 9." (2:41-45.) In order to spell the name, the individual letters that make up the name must, applicant submits, be stored as digital text information, not audio information as in claims 52, 57, and 62.

In response, the examiner disagrees. Lim teaches that the speech synthesizer IC and voice recorder/reproducer IC are all commercially available ICs. When a call comes in, speaking is better than spelling the caller's name. However, in the near future, the facility for spelling a caller's name is much more economical than speaking the name (see col. 2, lines 57-62). As a result, one can see that audio is recorded and reproduced with respect to the incoming caller ID as indicated by Lim.

From the above, the rejection of claims 18-63 should be sustained.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LEE NGUYEN whose telephone

Application/Control Number: 10/042,686
Art Unit: 2682

Page 7

number is (703)-308-5249. The examiner can normally be reached on 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, VIVIAN CHIN can be reached on (703) 308-6739. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

 8/8/03
LEE NGUYEN
Primary Examiner
Art Unit 2682